HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 6391 of 2007

PETITIONER : M/s. SHRIKISHAN & COMPANY – THROUGH ITS SOLE PROPRIETOR – SUSHIL KUMAR AGRAWAL, AGED ABOUT 40 YEARS, R/O S-1, SHRI COMPLEX, TRANSPORT NAGAR, KORBA, DISTRICT – KORBA (C.G.)

VERSUS

RESPONDENTS : 1. STATE OF CHHATTISGARH – THROUGH THE SECRETARY, PUBLIC WORKS DEPARTMENT, D.K.S. BHAWAN, RAIPUR (C.G.)

2. THE ENGINEER-IN-CHIEF PUBLIC WORKS DEPARTMENT, SIRPUR BHAWAN, RAIPUR (C.G.)

3. PRATAP SINGH KSHTRIYA, ENGINEER-IN-CHIEF, PUBLIC WORKS DEPARTMENT, SIRPUR BHAVAN, RAIPUR (C.G.)

WRIT PETITON UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Coram : Hon'ble Shri Jagdish Bhalla, Acting Chief Justice &
Hon'ble Shri Satish K. Agnihotri J.

Present: Shri P.Diwakar, Senior Advocate with Shri Adhiraj Surana, Advocate for the petitioner.
Shri G.D.Vasvani, Government Advocate for the State/respondent No. 1 and 2.
Shri Shailesh Dubey, Advocate for the intervenor.

ORAL ORDER
(Passed on 21st day of November, 2007)

The following order of the Court was passed by **Hon'ble Jagdish Bhalla, Acting C.J.**:

This petition is directed against the impugned order dated 04.08.2007 (Annexure P/17) whereby the petitioner, functioning as a contractor, has been black-listed by the Public Works Department. It has been emphatically contended that the impugned order is a non-speaking order and the reply given by the petitioner has not been considered. The impugned order does not indicate any reason, therefore is bad in law and liable to be quashed.

Learned counsel for the State, after considering the whole matter informs this Court that they are ready to reconsider the passing of the final order on the basis records available to them, in accordance with law. We find this to be a very fair statement on the part of the respondents.

Accordingly, the impugned order dated 04.08.2007 (Annexure P/17) is quashed. It would be open for the State Government to proceed in accordance with law from the stage where the State Government has received the reply of the petitioner to the show cause notice.

With these observations, this petition stands disposed of. Consequently, the intervention application also stands disposed of.

The original record is returned through the Government Counsel.

Sd/-
Jagdish Bhalla
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Amit / Sahu